

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 14-MJ-25 (JVG)

SAMUEL DAVID SHOEN

CRIMINAL COMPLAINT

I, Special Agent Kylie M. Williamson for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about December 11, 2013, in Ramsey County, in the State and District of Minnesota, the defendant, Samuel David Shoen (D.O.B. 3/29/1978), having previously been convicted of crimes punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate commerce, a firearm, specifically a RPB Industries, Model SM10, 9mm pistol, serial number SAP92897, all in violation of Title 18, United States Code, Sections 922(g)(1).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

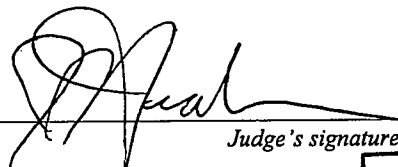
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Complainant's signature

Kylie M. Williamson, Special Agent, ATF

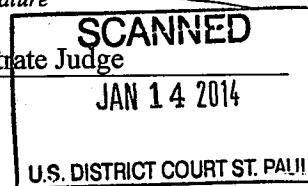
Sworn to before me and signed in my presence.

Date: 1/14/14


Judge's signature

City and state: St. Paul, Minnesota

Jeanne J. Graham, U.S. Magistrate Judge



14-MJ-25 (JJG)

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF KYLIE M. WILLIAMSON

COUNTY OF RAMSEY)

I, Kylie M. Williamson, being duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since August of 2007. Prior to that, your Affiant was employed by ATF for two years as an Industry Operations Investigator. Your Affiant is currently assigned to the St. Paul Field Office, and works with various law enforcement agencies and drug task forces throughout the state of Minnesota. Your Affiant's responsibilities include conducting criminal investigations of individuals and organizations related to the violations of Federal laws, particularly those found in Titles 18, 21, and 26. Your Affiant has participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal law.

2. This Affidavit is submitted in support of a Complaint establishing probable cause to believe that on December 11, 2013, SAMUEL DAVID SHOEN (D.O.B. 3/29/1978), possessed a firearm in violation of Title 18, United States Code, Chapter 44, Section 922(g)(1).

3. The facts set forth in this Affidavit are based on my personal knowledge and observations in this investigation, on my review of police reports, and on discussions I have had with other law enforcement personnel directly involved in this investigation.

The facts set forth herein contain information sufficient to support probable cause for the one charge of the complaint. This Affidavit is not intended to convey all of the facts learned during the course of this investigation.

4. In the days leading up to December 11, 2013, law enforcement with the Saint Paul Police Department (SPPD), coordinated a controlled purchase of a firearm from SAMUEL DAVID SHOEN ("SHOEN"), for \$3,500.00, using a SPPD Officer, acting in an undercover capacity (UC), and a Confidential Informant (CI).

5. On December 11, 2013, the CI, in the presence of the SPPD UC, placed several recorded phone calls to SHOEN. During the recorded phone calls, the CI and SHOEN discussed several topics, to include meet times and locations where the CI could purchase the firearm from SHOEN.

6. The SPPD Undercover Officer drove himself and the CI to the meet location, a restaurant located in St. Paul, MN, where the UC gave the CI \$1,000.00 in SPPD buy fund money, and equipped the CI with a recording and listening device.

7. SHOEN, who is known to Officers, arrived at the meet location in a vehicle driven by a white female. SHOEN had been seated in the front passenger's side seat and a second white female had been in the rear seat. The vehicle pulled into the parking lot and the two white females went into the restaurant.

8. The CI exited the UC vehicle and the CI got into the rear seat of the SHOEN's vehicle. The CI paid SHOEN \$1,000.00 and SHOEN advised the CI that the firearm was beneath the passenger's side seat in a brown paper bag. A short time later, both SHOEN

and the CI exited the vehicle. SHOEN walked into the restaurant and the CI returned to the UC vehicle.

9. The CI handed the UC a brown paper grocery bag. The UC Officer opened the grocery bag and observed a firearm and an extended magazine, loaded with ammunition. The UC performed a function test on the firearm and determined it was a fully automatic firearm. This firearm was identified to be an RPB Industries, Model SM10, 9mm pistol, bearing serial number SAP92897.

10. The UC Officer provided the CI with additional SPPD buy fund money, in the amount of \$2,500.00, and the UC Officer left the area with the firearm purchased from SHOEN.

11. The CI, still equipped with the recording and listening device, entered the restaurant and provided SHOEN with the remaining \$2,500.00 in SPPD buy fund money. The CI and SHOEN discussed future purchases of firearms and grenades. The CI then left the restaurant and met with St. Paul Officers at a predetermined meet location.

12. It was determined that the firearm purchased from SHOEN, namely, the Model SM10, 9mm pistol, bearing serial number SAP92897, was manufactured outside of the State of Minnesota. Therefore, at some point after manufacture, the aforementioned firearm traveled in interstate commerce into the State of Minnesota, as defined in Title 18, United States Code, Chapter 44, Section 921(g)(1). Similarly, it was determined that the Model SM10, 9mm pistol is a firearm as defined in Title 18, United States Code, Chapter 44, Section 921(a)(3).

13. In addition, the aforementioned firearm was confirmed stolen out of West St. Paul, Minnesota, in 2009.

14. On December 17, 2013, SHOEN was arrested after a traffic stop in Woodbury, MN. At the time of the arrest, SHOEN was wearing body armor and had a .40 caliber pistol magazine in his jacket pocket. Following the arrest, police officers recovered a Smith & Wesson .40 caliber pistol from the front passenger seat floorboard and a Sig Sauer AR-15 rifle and ammunition in the trunk of the vehicle.

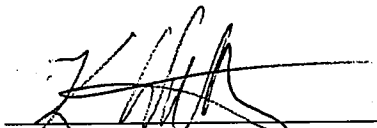
15. Based in part on the above-referenced facts, on or about December 19, 2013, SHOEN was charged for this conduct in the Second Judicial District, State of Minnesota, County of Ramsey, with Possession of a Firearm by an Ineligible Person, in violation of Minnesota Statutes 624.713.1(2); 624.713.2(b); and 609.11.5(b). SHOEN is presently in custody in the Ramsey County Law Enforcement Center.

16. I have reviewed SHOEN's criminal history and determined that SHOEN has the following felony convictions: Terroristic Threats (1998); and Felon in Possession of a Firearm (2002).

17. Based on my training, experience, and participation in this and other investigations, I believe probable cause exists that SAMUEL DAVID SHOEN possessed a firearm in


violation of Title 18, United States Code, Chapter 44, Sections 922(g)(1).

Further your Affiant sayeth not.


KYLIE M. WILLIAMSON
SPECIAL AGENT, ATF

SUBSCRIBED and SWORN to before me

this 14th day of January, 2014


The Honorable Jeanne J. Graham
United States Magistrate Judge